

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|   |   |                        |
|---|---|------------------------|
| JAMES L. KANELAKOS,                             | ) |                        |
|   | ) |                        |
| Plaintiff,                                      | ) |                        |
|   | ) |                        |
| v.  | ) | Case No. CIV-04-1579-M |
|   | ) |                        |
| JO ANNE B. BARNHART,                            | ) |                        |
| Commissioner of Social Security Administration, | ) |                        |
|   | ) |                        |
| Defendant.                                      | ) |                        |

**ORDER**

On November 30, 2005, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation [docket no. 23] in this action brought pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of Defendant, Commissioner of the Social Security Administration's ("Commissioner") final decision denying Plaintiff's application for disability insurance benefits. Magistrate Judge Bacharach recommends that the Commissioner's decision be affirmed. The parties were advised of their right to object to the Report and Recommendation by December 21, 2005. Plaintiff timely filed his objections.

In his objections Plaintiff asserts that the Magistrate Judge erred by concluding that the Administrative Law Judge's ("ALJ") findings (1) that Plaintiff does not suffer from severe mental impairments and (2) that he could perform his past relevant work are supported by substantial evidence. Plaintiff further asserts that the Magistrate Judge erred by concluding that the ALJ did not commit legal error by failing to order a consultative examination. Finally, Plaintiff contends that the Magistrate Judge erred by concluding that the ALJ properly considered and explained his assessment of the Department of Veteran's Affairs' determination that Plaintiff is 90% disabled.


Having carefully reviewed the administrative record, the Report and Recommendation, and

Plaintiff's objections, the Court finds that the Report and Recommendation accurately states the relevant law, fairly represents the facts contained in the administrative record, and correctly analyzes the interconnection between the two. The Court further finds that the arguments and assertions in Plaintiff's objections have been directly addressed and properly disposed of in the Report and Recommendation.

Accordingly, upon *de novo* review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by Magistrate Judge Bacharach on November 30, 2005;
- (2) AFFIRMS the Commissioner's denial of Plaintiff's application for disability insurance benefits; and
- (3) ORDERS that judgment in favor of the Commissioner issue forthwith.

**IT IS SO ORDERED this 27th day of January, 2006.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE